

REMARKS

Claim 6 has been allowed. Claim 9 is hereby canceled. Claims 1-5, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prizzi, U.S. Patent No. 5,611,123, in view of the patents to Darr or Locke.

Applicant has now amended the claims to patentably differentiate from the art of record. The claims now call for the tube holder to have two separated clamping surfaces or split halves having an identical cross-section which together form a cylindrical surface. The clamping surfaces are hingedly connected along one split edge, such as by a living hinge. None of the secondary patents to Darr and Locke show the connection of two split halves being connected by a living hinge formed by a groove to effect clamping around a cylindrical surface without an additional closure element. Accordingly, no teaching of applying a living hinge to pair or split, identical, cross-section clamp halves so it may fit comfortably about a cylindrical portion of a frame of a chair. The rejection should be withdrawn and the application passed on to issue.

No fee is believed due with this Amendment. However, should a fee be deemed necessary, please charge such amount, or credit any overpayment, to the undersigned's Deposit Account No. 501851.

Respectfully Submitted,

8/7/2003
Date

ADB signed orig (hand delivered to PTO)
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MIA74448

Commissioner of Patents and Trademarks, Washington, D.C. 20231

Sir: Please acknowledge receipt of the following papers by stamping and returning this card:

Applicant: Darin Prizzi

Title or Mark: TOWEL HOLDER

Our Ref.: PRIZZI P-1 Serial No.: 09/993,820 Filing Date: 11/16/2001
☒ Patent ☐ Trademark Papers:

- ☐ Application - No. of Pages _____
- ☐ Claims - No. of Claims _____
- ☐ Drawings - No. of Sheets _____
- ☐ Declarations/Power of Attorney
- ☐ Assignment and Recordation Cover Sheet
- ☐ Filing Fee \$ _____
- ☒ Amendment
- ☐ Submission of Missing Parts Fee \$ _____
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- ☐ Issue Fee \$ _____
- ☐ Maintenance Fee \$ _____
- ☐ \$8 & \$15 Affidavit
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- ☐ Associate Power of Attorney
- ☐ Postcard Acknowledge Receipt
- ☐ Certificated of Mailing
- ☐ Other

Attorney: Allen P. Brufsky

Delivered by hand to
Examiner

Date Mailed: August 7, 2003